THE HON'BLE SRI JUSTICE V.ESWARAIAH

Writ Petition No.4012 of 2006

02.03.2006

Between:

P.Sudharsanam

... PETITONER

AND

The District Collector, Ranga Reddy District and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.ESWARAIAH

Writ Petition No.4012 of 2006

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue appearing for the respondents.

It is the case of the petitioner that he is the absolute owner and possessor of house bearing No.8-7-193/26, (8-7-171/16/10 new), Plot No.16 situated in Survey No.44 of Old Bowenpally, Secunderabad, Ranga Reddy District, admeasuring 215 square yards, which was purchased by the petitioner from one Smt.Bhagyalaxmi vide registered sale deed, dated 13.12.2005. Thereafter, the said house was mutated in the name of the petitioner and also got permission from the Municipality for construction of a house vide proceedings No.G1/151/BA/321/2005-06, dated 27.09.2005. Accordingly, the petitioner started construction of the house strictly in accordance with the sanctioned plan and permit. It is alleged that without justification whatsoever, at the instance of the third respondent, the respondents 1 and 2 are interfering with the construction, and peaceful possession and enjoyment of the said

property of the petitioner.

The respondents 1 and 2 cannot interfere with the petitioner's possession, if the said property does not belong to the Government or it is an assigned land. Even otherwise, if it is a Government land or assigned land, it is always open for the respondents to take appropriate action by following due process of law. But, the respondents 1 and 2, at the instance of private individuals, cannot interfere with the peaceful possession and enjoyment of the petitioner's property and the right of the petitioner to construct a house in accordance with the sanctioned plan and permit. If there are any deviations, it is for the Municipal authorities to take appropriate action in accordance with law.

Having regard to the facts and circumstances of the case, the writ petition is disposed of, at the admission stage, directing the respondents 1 and 2 not to interfere with the peaceful possession and enjoyment of the petitioner's property and his right to construct a house, as per the sanctioned plan and permit, without following the procedure prescribed in law. No order as to costs.

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02.03.2006

VGB